



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Henry R. Darwin
Director

CERTIFIED MAIL
Return Receipt Requested
August 1, 2013

Case ID: 141992

Drake Cement LLC
Attention: Lawrence Turner
5745 N. Scottsdale Rd.
Scottsdale, AZ 85250

Re: Notice of Violation issued to Drake Cement LLC

Dear Mr. Turner:

This letter constitutes the monthly update on the status of Arizona Department of Environmental Quality ("ADEQ") action resulting from ADEQ's inspection of the above-referenced site on July 9, 2013, as required by A.R.S. § 41-1009(I).

The attached Notice of Violation ("NOV") is an informal compliance assurance tool used by ADEQ to put a responsible party (such as a facility owner or operator) on notice that the Department believes a violation of an environmental requirement has occurred. It describes the facts known to ADEQ at the time of issuance and cites the requirement that ADEQ believes the party has violated.

Although ADEQ has the authority to issue appealable administrative orders compelling compliance, an NOV has no such force or effect. Rather, an NOV provides the responsible party an opportunity to do any of the following before ADEQ takes formal enforcement action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected.

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

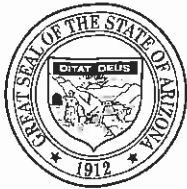
Sincerely,

Pamela Nicola, Manager
Air Quality Inspection & Field Services Unit

Review of Compliance Test Report Attached

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Printed on recycled paper



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Case ID #: 141992

August 1, 2013

Drake Cement LLC
Attention: Lawrence Turner
5745 N Scottsdale Rd
Ste B-135
Scottsdale, AZ 85250

Subject: Drake Cement- Drake Road Site, Place ID 15847
5001 E. Drake Road

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that Drake Cement LLC as the owner/operator of Drake Cement- Drake Road Site has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during an inspection completed on July 09, 2013.

I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

1. **Permit 53336 - Attachment B, Section I, B.3.c**

The Permittee shall not cause or allow to be emitted into the atmosphere from the Main Stack any gases which contain PM₁₀ in excess of 5.967 lbs/hr.

A performance test was conducted on May 9, 2013, while the facility was operating under normal conditions. The test report received on June 13, 2013, and reviewed on July 10, 2013, by ADEQ, indicated the average tested emission rate for PM-10 was 9.602 lbs/hr.

II. DOCUMENTING COMPLIANCE

1. Within 30 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or a root cause analysis and corrective actions taken for the test failure.
2. Within 15 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or contact Pamela Nicola at (602) 771-4728 to schedule a Performance Test to demonstrate compliance with the PM-10 limitation for the Main Stack as required by the permit.

Southern Regional Office
400 West Congress Street Suite 433 Tucson, AZ 85701
(520) 628-6733

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III. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

Arizona Department of Environmental Quality, Attention: Tim Trestail, Air Quality Inspections Team,
1110 W Washington St, Phoenix, AZ 85007 MC: 3415A-3

IV. STATEMENT OF CONSEQUENCES

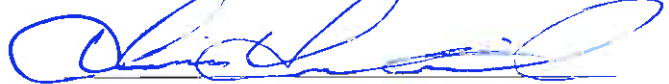
1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative compliance order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violation(s) alleged in this Notice as allowed by law.

V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Tim Trestail at (602) 771-4271.



Pamela Nicola, Manager
Air Quality Inspection & Field Services Unit



Tim Trestail
Air Quality Inspections Team



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION



REVIEW OF COMPLIANCE TEST REPORT

Name of Company: Drake Cement Inspection ID # 200045

Company Address: 5001 E. Drake Road, Paulden, AZ 86334 Place ID # 15847 Permit # 53336

Source(s) Tested: Main Stack and Dust Collector DC-11.6.2

Person Submitting Test Report: Mr. Lawrence Turner, Plant Manager

Date(s) of Test(s): • May 8 & 9, 2013 (DC-11.6.2) for PM • May 9, 2013 (Main Stack) for PM, PM-10 & Dioxin/Furan (D/F)

Process Rate: Test DC-11.6.2 Main Raw Feed = Avg. 126 TPH / Clinker Prod = Avg. 75.65 TPH

Test Main Stack – main Raw Feed = Avg. 127.8 TPH / Clinker Prod = Avg. 76.7 TPH

Test Methods Performed: EPA M. 1-5/202 (PM, PM1-10, CPM) EPA M. 23 (D/F) EPA M. 9 (Opacity)

Review of Test Method: Acceptable

Review of Calculations: Acceptable

Comments (precision & accuracy of replicate tests, percent isokinetic sampling, operating anomalies, etc.):

**** The Main Stack exhibited a PM-10 mass emission rate that was 38% over the mass emission limit. The mass emission limits are established from BACT evaluation. Please contact Pamela Nicola at (602) 771-4728 to schedule a Performance Test to demonstrate compliance with the PM-10 limitation for the Main Stack as required by the permit.**

Pollutant Tested	Tested Emission Rate (Average)	Allowable Emission Rate	PASS/FAIL
PM-10 (Main Stack)	0.010 gr/dscf	0.010 gr/dscf	PASS
PM-10 (Main Stack)	9.602 lb/hr	5.967 lb/hr	<u>**FAIL**</u>
D/F (Main Stack)	0.00235 ng/dscm @ 7% O ₂	0.20 ng/dscm @ 7% O ₂	PASS
Total PM (DC-11.6.2)	0.0462 lb/hr	0.148 lb/hr 3 Hour Avg.	PASS
Total PM (DC-11.6.2)	0.00174 gr/dscf	0.008 gr/dscf	PASS
Opacity (DC-11.6.2)	0.08 %	Initial Compliance Test Per 40 CFR § 63.1349(b)(2)	PASS

Reviewer(s): Tim Trestail Review Date(s): July 10, 2013

xc: Source: X Source File: X Permit Engineer: X



DRAKE CEMENT LLC
ATTN: LAWRENCE TURNER
5745 N SCOTTSDALE RD.
SCOTTSDALE, AZ 85252

RECEIVED AUG 06 2013

FRL-1AB

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